IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6840 OF 2004

Mr.Balasaheb Chowdhari ...Petitioner
Vs.
Mr. A.V.Sirdesai
Executive Officer, Reserve Bank
of India
Nashik Peoples' Co.op.
Bank Ltd. & Ors. ...Respondents

WITH

WRIT PETITION NO.8428 ID 2004

Mr. Maruti L. Muthe & Ors. ...Petitioners
Vs.
The Nashik Peoples' Co-op.
Bank Ltd. & Ors. ...Respondents

WITH

WRIT PETITION NO.8449 OF 2004

Mr. R.V. Joshi ...Petitioner
Vs.
The Nashik Peoples Co-op.
Bank Ltd. & Ors. ...Respondents

Mr.P.T.Yeole party in person
Mr. P.N.Joshi for Respondent Nos.1 & 2
Mr.Saraf i/b. M/s. Udwadia & Udeshi for
Respondent No.3
Mrs. M. Thakur, A.G.P. for Respondent No.4

CORAM: H.L.GOKHALE &
SMT.R.S.DALVI,JJ.
DATED: 27TH JUNE, 2005

P.C.

1. These three Petitions are filed by persons who are aggrieved by their monies being locked up in the Nashik Peoples' Co-operative Bank, Respondent No.1 wherein Administrator has been appointed due to its malfunctioning. In view of the Administrator being appointed their deposits which contain their hard

earned monies are locked up. All the three Petitioners pray that the amounts which are lying with this Bank be released with interest. All three of them are senior citizens, retired persons and because of Administrator having been appointed the monies deposited in the Bank have been frozen.

2. These matters came up before the earlier Bench on 15th December, 2004. Considering the hardship faced by the three Petitioners the Division Bench by its order dated 15th December, 2004 directed that an amount of Rs.50,000/- be released in favour of each of the Petitioners as a special case. This was in view of the statement made by Mr. Saraf on that day. Mr. Saraf appearing for Reserve Bank has however, pointed out that large number of depositors with this Bank have small deposits. If any exception is made in favour of the Petitioners similar exception has to be made for others. He however, fairly stated that in the event of certain difficulties which are accepted by the Reserve Bank in its circular dated 6th November, 2004 withdrawals are permitted in the event of requirement of medical treatment, education, marriage and other hardships.

3. Mr.Choudhari, who has filed one of these three Petitions pointed out to us on the last date that he is now a patient of serious ailment of cancer and he requires to spend a good amount. He had applied to

the Reserve Bank for release of appropriate amount with supporting documents. Therefore, by the order passed by us on 13th June, 2005 we asked Reserve Bank to consider as to whether in case of serious ailments the disbursement can be increased beyond Rs.1,00,000/- in a given case. We are informed and we are shown a letter dated 24th January, 2005 by a Deputy General Manager, Reserve Bank, to the Administrator, Nashik Peoples' Co-operative Bank to release a further amount of Rs.50,000/- to Shri Choudhari. Mr. Choudhary is not present today.

4. The other two Petitioners are present and as stated above they canvassed that some appropriate release be directed on the deposits that they have made. We have considered the facts. It is not possible for us to direct Reserve Bank to go outside its own policy decision. However, considering the fact that these two Petitioners have been espousing this cause which is not exactly a personal one and having under gone the hardship of attending to this matter from time to time, we direct the Administrator of the Bank to release an amount of Rs.10,000/- to each of these Petitioners under Clause 3 of Sub clause (ii)(d) of the R.B.I. circulars.

5. As far as the other prayers in the Petition are concerned in our view it is not possible to entertain them at this stage. We are however, of the

view that the decision with respect to either the revival or the taking over of this Bank ought to be expedited. Mr. Joshi appearing for Respondent Nos.1 and 2 pointed out that two proposals have been received from Saraswat Co-operative Bank and Thane Janata Co-operative Bank for take over of this Bank. We expect the Respondent Nos.1 and 2 to examine the proposal at the earliest and take it up with the Registrar of Co-operatives, Government of Maharashtra and Reserve Bank and see to it that the decision is taken on an outer side within eight weeks from today.

. The Petitions stand disposed of.

(H.L.GOKHALE,J.)

(SMT.R.S.DALVI,J.)